

Remarks/Arguments

Claims 1-16 were previously cancelled. Claims 17-32 are pending.

The Examiner first notes that claims 1-27 [sic, 17-27] do not recite any active method steps and thus are not proper process claims. In response, Applicants have now amended claim 17 and believe that claims 17-27 according to the present Amendment are proper process claims.

The Examiner then divides claims 17-32 into the following groups I-IV:

- I) Claims 17-27: process for the preparation of a cross-linked polymer comprising at least one low-molecular weight polymer and at least one high-molecular weight polymer.
- II) Claims 28-29: process for the preparation of an injectable hydrogel using the cross-linked polymer of Group I.
- III) Claims 30: a cross-linked polymer.
- IV) Claims 31-32, an injectable monophasic hydrogel.

The Examiner requires that a single group of invention be selected for further prosecution.

In response, Applicants elect, with TRAVERSE, the claims of Group I (Claims 17-27) for further prosecution. Applicant reserves the right to pursue the non-elected claims in a divisional application prior to issuance of a patent on the instant application.

The Examiner states that the Groups I-IV do not relate to a single general inventive concept under PCT Rule 13.1, because they lack the same or corresponding special technical features. Specifically, according to the Examiner, the technical feature linking groups I-IV is a cross-linked polymer prepared from a low-molecular weight polymer and a high molecular-weight polymer. The Examiner relies on Balazs et al. (U.S. Patent No. 4,582,865 submitted in an IDS

of the present application) to conclude that the linking feature of Groups I-IV is not new.

Applicants disagree.

First, as stated by the Examiner, the terms “low-molecular weight polymer” and “high molecular-weight polymer” are relative. Please note that a person of ordinary skill in the art has no difficulty to understand these terms when reading the specification of the present application, for example, page 3 line 10 to page 4 line 23. By crosslinking at least one low-molecular weight polymer and at least one high-molecular weight polymer, the hydrogel obtained in accordance with the present invention shows improved mechanical properties and remanence (resistance to degradation) than the equivalent products of the prior art. *See* page 5 lines 22-30 of the specification. As the crosslinking happens, the viscosity of the mixture increases and it becomes more and more difficult for the long chains to move. The probability for a cross-linked molecule, which has already reacted at one end with a long chain, to react with another long chain at the other end decreases. The presence of a small movable chain increases the probability of the molecule, which has already been cross-linked on one end, to react with the small chain on the other end.

Turning now to Balazs et al. (US 4,582,865), contrary to the Examiner’s statement, Balazs fails to disclose the linking feature “crosslinking at least one low-molecular weight polymer and at least one high-molecular weight polymer” of the present application. None of Examples 10-13, 14, and 16, which are specifically identified by the Examiner, discloses the molecular weight of a polymer used therein, much less the crosslinking of at least one low-molecular weight polymer and at least one high-molecular weight polymer.

For at least the above reasons, Applicants respectfully request that the restriction requirement be withdrawn.

Any additional fees or charges required at this time in connection with the application may be charged to our Patent and Trademark Office Deposit Account No. 03-2412.

Respectfully submitted,
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